

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARK T. DUBLINO,

Plaintiff,

v.

SGT. JUSTIN BIEGAJ, SGT. ROBERT DEE,
DEPUTY BRIAN THOMPSON,
DEPUTY FRANK GELSTER,
SGT. MR. CROSS, SGT. MR. ROBINSON,
DEPUTY MR. P. GIARDINA, and
DEPUTY SHAWN WILSON,

**ATTORNEY
DECLARATION**

C.A. No. 19-cv-6269-DGL-MJP

Defendants.

STATE OF NEW YORK)
COUNTY OF ERIE) ss
CITY OF BUFFALO)

Erin E. Molisani, being first duly sworn, deposes and says under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney at law admitted to practice before this Court and am an Assistant County Attorney to Michael A. Siragusa, Esq., Erie County Attorney and counsel for defendants herein. In this capacity, I am fully familiar with the facts and circumstances of this litigation.
2. I submit this Attorney Declaration and accompanying Reply Memorandum of Law in further reply to plaintiff's opposition (Dkt. No. 81) to defendants' pending motion for summary judgment (Dkt. No. 77).
3. Defendants respectfully request that the Court grant defendants' motion in its entirety for the reasons set out in the accompanying Reply Memorandum of Law.

Dated: Buffalo, New York
December 20, 2021

MICHAEL A. SIRAGUSA
Erie County Attorney

s/ Erin E. Molisani

Erin E. Molisani
Assistant County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202
Telephone: (716) 858-2216
Email: Erin.Molisani@erie.gov

Sworn before me this 20th
day of December, 2021

s/ Carol Gruber

Notary Public, State of New York
Reg. 01GR6036976
Qualified in Erie County/Niagara County
My commission expires
February 14, 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2021, I electronically filed the foregoing Attorney Declaration and Reply Memorandum of Law with the Clerk of the District Court for the Western District of New York, using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Steven V. Modica, Esq.
MODICA LAW FIRM
Pro Bono attorney for plaintiff
2430 Ridgeway Avenue
Rochester, New York 14626
Telephone (585) 368-1111
Email: steve@modicalawfirm.com

Dated: Buffalo, New York
December 20, 2021

MICHAEL A. SIRAGUSA
Erie County Attorney

s/ Erin E. Molisani
Erin E. Molisani
Assistant County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202
Telephone: (716) 858-2216
Email: Erin.Molisani@erie.gov